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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,484	10/19/2001	Michael Sprague	WAVE-005XX	4391

7590 03/01/2005

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EXAMINER
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WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/003,484

Applicant(s)

SPRAGUE, MICHAEL

Examiner

Michael Y Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/19/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-22 have been examined and are pending with this action.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 2 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. Claims 2 and 15 state, "having a substantially transparent background", this limitation is indefinite.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ullman et al. (US 6,018,768 A).

**INDEPENDENT:**

As per claim 1, Ullman teaches a system for providing interactive content to a broadcast presentation being displayed on a viewer display associated with a viewer device, said system comprising: a broadcast receiver associated with said viewer device, said broadcast receiver receiving a broadcast presentation from a broadcast presentation provider (see abstract); a communication controller associated with said viewer device, said communication controller receiving interactive content associated with said received broadcast presentation from a source of interactive content (see col.3, lines 27-34); and a dynamic display controller associated with said viewer computer, said dynamic display controller responsive to said received broadcast presentation and said received interactive content, for displaying said broadcast presentation and said interactive content on a viewer display (see col.2, lines 50-54 and col.3, lines 34-40).

As per claim 11, Ullman teaches a method of displaying interactive content relevant to a broadcast presentation and relevant to a viewer on a viewer display associated with a viewer device, said method comprising the acts of: receiving, at said viewer device, a broadcast presentation from a broadcast presentation provider (see abstract); receiving, at said viewer device, relevant interactive content from a source of interactive content (see col.3, lines 27-34); and merging and displaying said retrieved

broadcast presentation and relevant interactive content on a viewer display device (see col.1, lines 60-63; col.1, line 66-col.2, line 5; and col.2, lines 50-57).

**DEPENDENT:**

As per claim 2, Ullman further teaches wherein said viewer display comprises a single-window layered display (see Fig.8) having: a broadcast layer, for displaying said broadcast presentation in a background layer of said layered display (inherent: see Fig.8; col.8, lines 49-62; and col.11, lines 12-23); and at least one overlay displayed in at least a second layer of said layered display on top of said broadcast layer on said single-window, layered display, said at least one overlay including said interactive content and having a substantially transparent background and allowing said broadcast presentation in said broadcast layer to be viewed through said at least one overlay (inherent: see Fig.8; col.8, lines 49-62; and col.11, lines 12-23).

As per claim 3, Ullman further teaches wherein said source of interactive content comprises an interactive content server (see col.6, lines 8-10) and at least one interactive content database (see col.6, lines 8-10), accessible over a computer network (see Fig.4), and wherein said communication controller comprises a network controller (see col.13, lines 53-54).

As per claim 4, Ullman further teaches wherein said computer network comprises a local area network (LAN) (see col.12, lines 12-14).

As per claim 5, Ullman further teaches wherein said computer network comprises a wide area network (WAN) (see col.12, lines 12-14).

As per claim 6, Ullman further teaches wherein said WAN comprises the Internet (see col.12, lines 12-14).

As per claim 7, Ullman teaches of further comprising a broadcast presentation identifier identifying said broadcast presentation and a relevancy processor for identifying interactive content relevant to said identified broadcast presentation stored in said at least one interactive content database (inherent: see Fig.1 and col.4, lines 44-50).

As per claim 8, Ullman teaches of further comprising a viewer-selectable interactive content icon displayed on said at least one overlay, to allow a viewer to control the display of interactive content on said at least one overlay (see Fig.8).

As per claim 9, Ullman teaches of further comprising at least one input device for allowing a viewer of said broadcast presentation and interactive content to interact with said interactive content (inherent: see Fig.1, #16; col.5, lines 11-12; and col.9, lines 25-28).

As per claim 10, Ullman further teaches wherein said viewer display comprises a multi-window display having: a first window, displaying said broadcast presentation; and at least one additional window displaying said interactive content (see col.10, lines 26-32).

As per claim 12, Ullman further teaches wherein said act of receiving relevant interactive content comprises: identifying said broadcast presentation received at said viewer device; identifying at least one characteristic about said viewer; responsive to identifying said broadcast presentation and identifying at least one characteristic about

said viewer, searching a database of interactive content to identify any interactive content relevant to said identified broadcast presentation and to said at least one characteristic about said viewer; and retrieving said identified relevant interactive content (see col.3, line 63-col.4, line 4).

As per claim 13, Ullman further teaches wherein said act of receiving relevant interactive content comprises: identifying said broadcast presentation received at said viewer device; identifying at least one characteristic about said viewer; accessing a remote database of interactive content over a computer network; searching a database of interactive content to identify any interactive content relevant to said identified broadcast presentation and to said at least one characteristic about said viewer; and transmitting said relevant interactive content to said viewer device over said computer network (see claim 3 rejection above and col.3, line 63-col.4, line 4).

As per claim 14, Ullman further teaches wherein said acts of accessing said remote database of interactive content and transmitting said relevant interactive content over a computer network comprises accessing said remote database and transmitting said relevant interactive content over the Internet (see claim 3 rejection above and Fig.1).

As per claim 15, Ullman further teaches wherein said act of merging displaying said retrieved broadcast presentation and relevant interactive content on said viewer display device comprises displaying said broadcast presentation and said relevant interactive content on a single-window layered display wherein: said broadcast presentation is displayed in a broadcast layer, said broadcast layer being a background

layer of said layered display; and said relevant interactive content is displayed in at least one overlay in at least a second layer of said layered display on top of said broadcast layer on said single-window, layered display, said at least one overlay having a substantially transparent background and allowing said broadcast presentation in said broadcast layer to be viewed through said at least one overlay (see claim 2 rejection above).

As per claim 16, Ullman further teaches wherein said act of merging and displaying said retrieved broadcast presentation and relevant interactive content on said viewer display device comprises displaying said broadcast presentation and said relevant interactive content on a multi-window display wherein: said broadcast presentation is displayed in a first window of said multi-window display; and said relevant interactive content is displayed in at least one additional window of said multi-window display (see claim 10 rejection above).

As per claim 17, Ullman further teaches wherein said act of identifying said broadcast presentation received at said viewer device comprises receiving a viewer input containing an identifier for said received broadcast presentation (see claim 8 and claim 9 rejection above).

As per claim 18, Ullman further teaches wherein said act of identifying said broadcast presentation received at said viewer device comprises identifying said source of said received broadcast presentation (inherent: see col.5, lines 34-39), determining a date and time of receipt of said broadcast presentation and searching a schedule of broadcast presentations (see col.3, line 44-col.4, line 4).



As per claim 19, Ullman further teaches wherein said act of identifying said broadcast presentation received at said viewer device comprises identifying attributes of said broadcast presentation received at said viewer device, said attributes including a geographic location of said viewer device, a date and time of receipt of said broadcast presentation, and searching a database of broadcast presentations to identify a broadcast presentation corresponding to the attributes identified for said broadcast presentation received at said viewer device (see col.3, line 44-col.4, line 4).

As per claim 21, Ullman further teaches wherein said acts of searching and retrieving said identified interactive content relevant to said identified broadcast presentation utilizes a dynamically programmable and interdependent rule system including at least one rule selected from the group consisting of: a rule limiting content to specific broadcast programming; a rule limiting content to authorized users; a rule limiting content to user affinity with an identified group of authorized users; a rule limiting content to a specific geographical location; and a rule limiting content to broadcaster permission (see col.3, line 44-col.4, line 4; col.6, lines 11-16; and col.7, lines 12-29).

As per claim 22, Ullman further teaches wherein said dynamically programmable and interdependent rule system operates automatically (see col.7, line 26 and col.9, lines 20-23).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman et al. (US 6,018,768 A) in view of Ball et al. (US 6,600,736 B1). Ullman teaches all the limitations of claim 20, except wherein said act of identifying a geographic location of said viewer device comprises inputting, at said viewer device a zip code associated with a location of said viewer device. Ball teaches wherein said act of identifying a geographic location of said viewer device comprises inputting, at said viewer device a zip code associated with a location of said viewer device (see col.8, lines 45-52). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ball within the system of Ullman by implementing inputting, at said viewer device a zip code associated with a location of said viewer device within the method of displaying interactive content because Ullman teaches the "stream of URLs sent would depend on a user profile stored in a database 78... a user profile which is built on demand or over time for each user 118 **based on criteria such as the location of the user** (see col.7, lines 19-23) and zip codes are a for of interactively providing a user's location via the Internet.

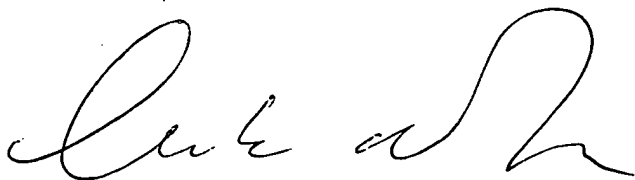
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



February 23, 2005



**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**